

1 Aron M. Oliner (SBN: 152373)
2 Geoffrey A. Heaton (SBN: 206990)
DUANE MORRIS LLP
3 One Market Plaza
4 Spear Street Tower, Suite 2200
5 San Francisco, California 94105-1127
Telephone: (415) 957-3000
Facsimile: (415) 957-3001
Email: gheaton@duanemorris.com

6 | Counsel for Chapter 7 Trustee
E. LYNN SCHOENMANN

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

11 In re Case No. 21-30299 DM
12 ACEH CAPITAL, LLC., Chapter 7
13 Debtor. **APPLICATION FOR**

**APPLICATION FOR ENTRY OF ORDER
BY DEFAULT RE NOTICE OF MOTION
AND MOTION OF TRUSTEE TO
REJECT LEASE OF NON-
RESIDENTIAL REAL PROPERTY
LOCATED AT 1650 BOREL PLACE,
STE. 105, SAN MATEO, CALIFORNIA
ON 24 HOURS' NOTICE PURSUANT TO
B.L.R. 6006-1(b)**

[No Hearing Set]

21 E. Lynn Schoenmann, chapter 7 trustee (“Trustee”), trustee of the above-captioned estate,
22 respectfully applies for an order authorizing the Trustee to reject on 24 hours’ notice to the
23 captioned debtor’s lessor, Borel Place Associates (“Lessor”), the non-residential real property
24 lease pertaining to 1650 Borel Place, Ste. 105, San Mateo, California.

25 1. ACEH Capital, LLC (“Debtor”) filed a voluntary petition for relief under
26 Chapter 7 of the Bankruptcy Code on April 21, 2021. The Trustee is the duly appointed,
27 qualified and acting chapter 7 trustee of the Debtor’s bankruptcy estate.

1 2. On May 25, 2021, this office served on the Lessor via Federal Express overnight
2 delivery and email the Trustee's Notice of Motion and Motion of Trustee to Reject Lease of
3 Non-Residential Real Property Located at 1650 Borel Place, Ste. 105, San Mateo, California, on
4 24 Hours' Notice Pursuant to B.L.R. 6006-1(b) (the "Motion"). A true and correct copy of the
5 Motion, together with certificate of service and confirmation of electronic filing, is attached to
6 the Declaration of Geoffrey A. Heaton, filed concurrently herewith. Pursuant to the terms of the
7 Notice, the Court may act upon 24 hours' notice to the other party to the lease.

8 3. No notice of any objection to the rejection has been received by counsel for the
9 Trustee, Duane Morris LLP, and more than 24 hours has elapsed since the Notice was served.

10 **WHEREFORE**, the Trustee respectfully requests that this Court enter an order
11 authorizing the Trustee to reject, effective immediately, the lease between the Lessor and the
12 Debtor pertaining to the non-residential real property located at 1650 Borel Place, Ste. 105, San
13 Mateo, California.

14
15 Dated: May 27, 2021

DUANE MORRIS LLP

16 By: /s/ Geoffrey A. Heaton (206990)
17 Geoffrey A. Heaton
18 Counsel for Chapter 7 Trustee
19 E. LYNN SCHOENMANN